HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 28 (S/B) 2003

Sri Dori Lal Verma S/o Sri Kare Singh Holker,
Lecturer Physics,
R/o Govt. Inter College Colony,
Sitarganj, District Udham Singh Nagar. ... Petitioner

Vs.

1. State of Uttaranchal, through Secretary Education Department, Uttaranchal Shasan, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Addl. Director of Education, Uttaranchal, 2-Subhash Road, Dehradun.
4. District Inspector of Schools. U.S. Nagar.
5. Principal, Govt. Inter College, Sitraganj, District Udham Singh Nagar.

... Respondents

Sri Manoj Tewari, learned counsel for the petitioner.
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tewari, learned counsel for the petitioner and learned Standing Counsel for the State.

Both the parties are agreed that the writ petition may be decided finally at this stage.

By means of this writ petition, the petitioner has prayed for a writ in the nature of certiorari quashing the impugned order dated 31.12.2002/02.01.2003 as well as the transfer order dated 12.09.2002 passed by respondent no. 3.

The petitioner who was Lecturer in Govt. Inter College was transfer vide order dated 12.09.2002 from Sitarganj to Tejam, Munsyari District Pithoragarh. The order dated 12.09.2002 was challenged by the petitioner by means of writ petition no. 1309 (S/B)2002. This Court while disposing of the writ petition, directed the respondents to decide the representation of the petitioner within 10 days from the date of production of certified copy of the order.

Vide order dated 02.01.2003, the representation of the petitioner was rejected by the respondent no. 3 and the

rejection order was challenged by the petitioner by means of this writ petition.

On 15.01.2003, this Court stayed order dated 12.09.2002 by which the petitioner was transferred and order dated 31.12.2002/02.01.2003 by which the representation of the petitioner was rejected. Consequently, the petitioner joined his duties at Sitarganj on 18.01.2001, however he has not been paid salary for the period from the date when he was transferred upto to the date when he joined in pursuance of the interim order passed by this Court.

Learned counsel for the petitioner has submitted that in the year 2004, the petitioner has been transferred to Ramnagar and he has joined at there. Since this Court on 15.01.2003 had stayed the transfer order dated 12.09.2002 as well as the rejection order by which his representation was rejected, the petitioner is entitled to get the salary for the intervening period.

Accordingly, the respondents are directed to pay salary to the petitioner for the intervening period i.e. the date when he was transferred upto to the date when he joined in pursuance of the interim order passed by this Court treating the petitioner on leave.

The matter relates to the transfer order, which was made in the year 2002. Again, the petitioner has been transferred to Ramnagar. Keeping in view these facts, the writ petition has become infructuous and is disposed of accordingly.

(M.M. Ghildiyal, J.)

November 29, 2004:
NCM: